REMARKS

Claims 65-80 and 82-86 were pending upon entry of Amendment E. In this Amendment F, claims 78, 80 and 86 are amended, and claim 87 is added. The pending claims are now claims 65-80 and 82-87. No new matter has been added.

The examiner rejected claims 65-67, 73-74, 78-80, 82 and 85-86 under 35 U.S.C. § 102(b) as anticipated by Blahut. The examiner also rejected claims 68-72, 75-77, and 83-84 as obvious under 35 U.S.C. § 103(a) in view of Blahut.

Claim 65 recites:

> A method for providing interactive advertising to an access device, the method comprising:
> receiving video programming content and advertisements;
> displaying to an access device of a viewer at least a portion of the received video programming content;
> automatically displaying to the access device of the viewer at least one of the received advertisements in addition to the displayed video programming content;
> receiving after a first amount of time a request from the viewer to stop displaying the displayed advertisement;
> responsive to the received request, stopping the display of the advertisement; and
> awarding value to the viewer, the value prorated according to an amount of the advertisement displayed during the first amount of time.

According to the claimed method, video programming content and advertisements are received, and at least a portion of the programming content is displayed to a viewer's access device. In addition, at least one advertisement is displayed to the viewer's device. After some amount of time, the viewer then stops the displaying of the advertisement, and is awarded value that is prorated according to the amount of the advertisement displayed. This enables a viewer faced with an advertisement to decide in the moment whether to allow an

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advertisement that is being displayed to continue to be displayed, or whether instead it should be stopped.

Blahut does not disclose the claimed invention. Blahut describes allowing a user to choose a level of advertising to receive along with a set of television shows or a video on demand (and adjusts a subscriber's bill according to the level of advertising the viewer has chosen (see, e.g., Blahut col. 5, lines 35-47; Fig. 5). Blahut describes a feature that notifies a viewer that a set of commercials of a certain length is coming up shortly, e.g., that five minutes of commercials will begin in two minutes. The viewer can then elect to "cancel" the set of commercials, and they will then not be shown (see col. 5, lines 25-35).

Thus, in Blahut, a viewer chooses a level of advertisements, and a particular set of advertisements can be "canceled" by the user before they are shown. Blahut does not "receive[e] after a first amount of time a request from the viewer to stop displaying the displayed advertisement," as claimed, because advertising sets in Blahut are either not present (e.g., if the viewer has elected an ad-free level of advertising), present and displayed to the viewer as a set, or present but "canceled" before they are viewed. Thus, there is no request from the viewer to stop displaying an advertisement that is being displayed. It follows then that Blahut cannot teach "responsive to the received request, stopping the display of the advertisement," or prorating value awarded to the user according to the amount of the advertisement displayed during the first amount of time. The prorating discussed by Blahut at col. 5, lines 50-67 and cited by the examiner is done in response to a viewer changing to a different level of advertising for "a particular show or time frame," and not according to an amount of a particular advertisement watched prior to the viewer requesting that that advertisement no longer be displayed.

Accordingly, claim 65 is patentable over Blahut. Dependent claims 66-77 and 82-84 are also patentable over Blahut, as each depends from patentable claim 65 in addition to reciting its own patentable features. Independent claim 85 is also patentable over Blahut for reasons analogous to claim 65.

Independent claim 78 as amended recites the steps of "receiving a skip request from the access device of the viewer" and "responsive to the skip request, stopping the display of the advertisement being displayed to the access device." Another advertisement is then played to the viewer, and the award to the viewer is prorated according to an amount of time the skipped advertisement was displayed. As is evident from the discussion above, Blahut does not disclose allowing a viewer to skip from one advertisement to the next, and then to receive prorated credit for the skipped advertisement. Claim 86 as amended is also patentable over Blahut for reasons analogous to claim 78. Dependent claim 87 recites its own patentable features as well as depending from patentable claim 86.

If any matters remain outstanding prior to allowance of the claims, the Examiner is invited to contact the undersigned attorney at (415) 875-2358 or via e-mail at dbrownstone@fenwick.com. Applicants acknowledge that a copy of any electronic mail communications will be made of record in the application file per MPEP § 502.03.

Respectfully submitted,
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